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July 21, 2025

Re: *Hurlock v. Kelsier Ventures, et al.*, No. 25-cv-03891-JLR

Dear Judge Rochon:

On behalf of Plaintiff Omar Hurlock, I write to advise the Court that Plaintiff intends to file its First Amended Complaint (“FAC”) as of right under Fed. R. Civ. P 15(a)(1)(B) on July 28, 2025. Because the FAC will moot the motion to dismiss under Fed. R. Civ. P 12(b)(2) filed by Defendant Hayden Davis (ECF No. 86), Plaintiff does not intend to file an opposition.

Pursuant to this Court’s Order dated May 15, 2025 (ECF No. 10), the amended complaints in this action and in the related action pending before this Court, *Clarke v. Chow et al.*, No. 1:25-cv-03268 (“*Clarke*”) are due within 60 days after appointment of Lead Plaintiff and Lead Counsel in *Clarke*. This Court appointed Lead Plaintiff and Lead Counsel in *Clarke* last week, on July 15 (*Clarke*, ECF No. 36). Defendant Davis’s Rule 12(b)(2) motion was filed on July 9, pursuant to this Court’s Order dated July 1, 2025 (ECF No. 62). The July 1 Order further provides that (i) Plaintiff’s opposition to the Rule 12(b)(2) motion is due by July 23; (ii) Plaintiff’s consolidated reply to Defendants’ oppositions to Plaintiff’s pending TRO/PI motion is due by July 28; (iv) Defendant Davis’s deadline to reply in further support of his Rule 12(b)(2) motion is due by July 30; and (v) the hearing on Plaintiff’s TRO/PI motion is scheduled for August 19, 2025. *Id.*

Under Rule 15(a)(1)(B), Plaintiff has a right to amend its pleading within 21 days after service of a motion to dismiss under Rule 12(b). Exercising that right moots pending 12(b) motions under Part 3.B of this Court’s Individual Rules of Practice in Civil Cases. Applied here, Plaintiff’s “21 day” deadline is July 30, but in light of the expedited schedule in this action and the TRO/PI hearing scheduled for August 19, Plaintiff intends to file its FAC concurrently with its consolidated reply due July 28.¹

Respectfully submitted,

¹ July 28 is the earliest feasible date for plaintiff’s counsel to file the FAC given the complexity of this action and its expedited schedule.

HOPPIN GRINSELL LLP

By: /s/ Margaret B. Hoppin
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Partner

Cc: All Counsel via ECF